

November 25, 2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

At: 10:20 a.m.
William T. Walsh

Clerk

IN RE: SUSPENSION OF IN-PERSON JUDICIAL PROCEEDINGS AND MODIFICATION OF SECOND EXTENSION OF STANDING ORDER 2020-12, DUE TO THE RESURGENCE OF COVID-19 : : : **STANDING ORDER 2020-17**

WHEREAS, on March 13, 2020, a National Emergency was declared under the National Emergency Act, 50 U.S.C. § 1601, *et. seq.*, in light of the COVID-19 pandemic, and the Declaration continues in effect; and

WHEREAS, the federal government has extended the Public Health Emergency, initially declared on January 31, 2020, until January 21, 2021, and on November 23, 2020, the Governor of the State of New Jersey extended the Public Health Emergency, first declared on March 9, 2020; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and other public health authorities continue to advise taking precautions to reduce the possibility of exposure to COVID-19 and to slow the spread of the disease by, among other things, limiting sustained group gatherings of people, maintaining six feet of physical distance from others (“social distancing”), and limiting sustained indoor activities; and

WHEREAS, the United States District Court for the District of New Jersey (“Court”) is currently in Phase III of its Recovery Guidelines, mandating the wearing of face coverings, social distancing, limited elevator occupancy and observance of instructional signage, and has instituted temperature screenings at all of its courthouses; and

WHEREAS, on June 25, 2020, New Jersey issued a travel advisory, providing that all individuals entering New Jersey from “impacted states” should quarantine for 14 days after leaving that state, and eight states were then defined as “impacted states,” i.e., states having an average daily number of new cases greater than 10 per 100,000 residents over a 7-day period or having a 10% or higher positivity rate over a 7-day period; and

WHEREAS, a second wave of infection from COVID-19 has occurred throughout the nation, such that the number of “impacted states” on New Jersey’s travel advisory list ballooned to 46 states and U.S. jurisdictions, as of November 17, 2020; and

WHEREAS, the resurgence of COVID-19 in New Jersey is such that prior records of new cases set in April 2020 have lately been surpassed, and statewide, the 3-day rolling test positivity rate was 8.65%, as of November 19, 2020; and

WHEREAS, on November 23, 2020, COVID-19-related hospitalizations in New Jersey rose for the 24th consecutive day and the state’s 7-day average for new positive tests rose

above 4,000 for the first time during the pandemic, and 21 deaths occurred on November 24, 2020, bringing the statewide total death rate to 14,960; and

WHEREAS, also in response to the resurgence, on November 16, 2020, the Governor of New Jersey announced new restrictions on the size of indoor and outdoor gatherings; and

WHEREAS, in Newark, New Jersey, the location of two of the Court's four courthouses, the recent 3-day rolling test positivity rate was 21%, and due to such high infection rate, the Mayor issued a 10-day lockdown as an urgent advisory, requesting shelter-in-place from November 25 through December 4, 2020 and additionally, street closures have occurred in areas where COVID-19 cases are surging; and

WHEREAS, despite pleas by the Governor of New Jersey to restrict holiday travel and to avoid large gatherings, the high number of holiday travelers indicates an increased risk for spreading COVID-19 during the Thanksgiving holiday; and

WHEREAS, individuals' exposure to COVID-19 can be expected to rise due to additional upcoming holidays, such as Chanukah and Christmas; and

WHEREAS, prisoners' in-person attendance at judicial proceedings increases the risk of exposure to COVID-19 among the prison population, prison staff, Court employees, this Court's Security Officers and Deputies of the U.S. Marshals Service; and

WHEREAS, in response to the resurgence of COVID-19, the Court has deemed it necessary to modify the Phase III Protocol of its Recovery Guidelines, to recommend the cessation of all in-person judicial proceedings, in both civil and criminal cases, regardless of whether the criminal defendant is in or out of custody; and

WHEREAS, in response to the serious threat to public health and safety posed by the resurgence of COVID-19, as outlined herein, it is imperative that the Court suspend all in-person court proceedings,

IT IS, THEREFORE, on this 25th day of November, 2020, **ORDERED THAT:**

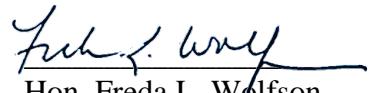
1. Except as otherwise provided herein, all in-person judicial proceedings in this District, in both civil and criminal cases, shall be suspended during the period of November 30, 2020 through December 31, 2020 ("suspension period").

2. Notwithstanding the provisions of this Standing Order, the provisions of the Court's Second Extension of Amended Standing Order 2020-06 ("In Re: Video Conferencing and Teleconferencing for Criminal Proceedings under The CARES Act") shall remain in full force and effect.

3. During the suspension period, Probation and Pretrial Services shall be permitted to bring defendants/individuals under supervision into the District's courthouses for extraordinary circumstances and emergent matters only, for the protection of the community and officers,

upon approval of the Chief Probation or Chief Pretrial Services Officer, and such appearances shall be by appointment only and by escort into the office space, with advance notification provided to the U.S. Marshals Service and Court Security Officers.

4. In modification of the Court's Second Extension of Standing Order 2020-12 ("In Re: Court Operations under the Exigent Circumstances Created by COVID-19"), authorizing sitting grand juries in each vicinage of the Court to continue to meet, during the suspension period, grand jury sittings in this District shall be limited to one in Newark and one in Camden, subject, however, to the right of the U.S. Attorney's Office to convene an additional grand jury session in Newark should circumstances warrant, and furthermore, grand jury proceedings shall continue only to the extent that they are essential.



Hon. Freda L. Wolfson
U.S. Chief District Judge
District of New Jersey